

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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United States of America

Ind. # 12 Cr. 586-01 (DLC)

-against-

Keith Kauffmam,

Defendant.

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Sentencing Memorandum

Irving Cohen  
Attorney for Keith Kauffman  
233 Broadway, Suite 2701  
New York, New York 10279  
(212) 964-2544  
[icohenlaw@msn.com](mailto:icohenlaw@msn.com)

IRVING COHEN  
ATTORNEY AT LAW

(212) 964-2544  
FAX (212) 732-1339  
ICOHENLAW@MSN.COM

233 BROADWAY  
SUITE 2701  
NEW YORK, N.Y. 10279

October 18, 2012

Hon. Denise L. Cote  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: USA v. Keith Kauffman**  
**12 CR 586-01 (DLC)**

Dear Judge Cote:

I am the attorney for the defendant, Keith Kauffman, having been duly appointed pursuant to the Criminal Justice Act. Mr. Kauffman is scheduled to be sentenced by this Court on November 2, 2012. Please accept this letter as a pre-sentence Memorandum on his behalf.

Mr. Kauffman pleaded guilty on August 3, 2012 to conspiracy to Distribute and Possess with the Intent to Distribute Methamphetamine. The statutory sentencing is 5 to 40 years. The stipulated guideline range is 84 to 105 months. The plea agreement permits an argument for a non-guideline sentence. Pursuant to that agreement, I strongly urge Your Honor to sentence Mr. Kauffman to the mandatory minimum of five years with a recommendation that he receive appropriate and necessary treatment for his addiction.

This case presents a tragic situation - not only for Mr. Kauffman but his family. Except for youthful transgressions as a teenager, Mr. Kauffman did not exhibit any later anti-social behavior until he became addicted several years ago. Prior to that time, however, as an adult in his twenty's, Mr. Kauffman, after attending college for a short time, was virtually continuously employed (PSR § 22). By all accounts, he was a dependable and competent employee in the cell phone tower business rising to become a foreman. His twin brother Kenneth, who is married with one child and lives in San Clemente, California, is prepared upon his release to employ Keith in his glazier business. Indeed, the brothers have always been close.

IRVING COHEN  
ATTORNEY AT LAW

His brother Kenneth, in a letter submitted to this Court, describes, inter alia, his relationship with his brother and posits explanations for Keith's downward spiral into drug abuse. He asks Your Honor not to excuse his brother's conduct but to understand why it happened and states:

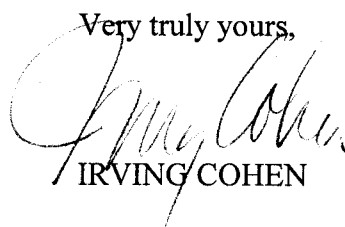
Our whole family including my  
mom my dad and myself will  
never let my brother fall back  
into these circumstances again.  
Keith has been incarcerated for  
a year now and I already see a big  
change in his attitude and mind  
set for the better. I really believe  
this situation has changed his life  
and restored his self-worth and health. (sic)

Others have written to this Court expressing their love for Keith and support. I dare say that with such people in his corner and his own coming to terms at this crossroads of his life, there is virtually no risk of a repeat performance of illegal conduct.

Your Honor, five years is a long period of time and certainly enough to accomplish the goals set out in 18 U.S.C. § 3553(a). In prison, Mr. Kauffman will get the treatment he needs and, hopefully, the education he can use when released. A longer period than that will not serve society or him any better. Additionally, when out of prison, Mr. Kauffman will be on supervised release.

Thank you for your attention and consideration.

Very truly yours,



IRVING COHEN

cc: Brian Blais, Esq.

Honorable Denise Cote

United States District Court, Southern District of New York

500 Pearl Street

New York, New York 10007

This letter is to give you a better view and some insight as to who my brother Keith Kauffman really is. We were born twins on 9/19/1976. My brother and I were inseparable growing up living with my mom and dad until the age of 10. Once our parents got divorced we lived off and on with my mom and my dad. It wasn't until we were in the 7th grade we moved to Florida and lived with my dad for 3-4 years. We were always good kids and our parents watched over us with a strict rule and ethics. Not to mention curfew was strictly enforced. I was never that great in school but Keith was the opposite. When he put his mind to something he could accomplish anything. While we lived in Florida Keith ended up graduating high school with a GED, as for me I dropped out and kept working. My mom eventually moved to Arizona and when things weren't going well for me in Florida I decided to move back with her.

I eventually met a girl in AZ and lived with her for 2 years. All the while talking to Keith regularly on the phone plotting and planning for him to live with me when he was done with school. By the age of 19 we finally reunited. I broke up with the girl I was living with at the time and my brother and I decided to get a place in AZ together. We lived there together for about 2 years and eventually Keith met a girl and fell in love. At age 20-21 I decided I wanted to live with some friends in Los Angeles (where we grew up) because it was too hot in AZ and I needed a change. Keith was breaking up off and on with his girlfriend so he decided to move to. We

lived with my friend Mike in Los Angeles a close friend of ours growing up and who was also brought up by a close family circle. We did things normal 21 year olds do, we went to parties, dated, and every once in a while drank, etc. but never any hard drugs. At around age 22 Keith was missing his girl in AZ, so he decided to move back. He lived there again for another 2 years and she eventually broke up with him and broke his heart. All the while starting a career in AZ as a cell phone site operator and eventually became really good at that trade and was promoted to Forman, running crews and making really good money. His job relocated him to San Diego at age 24-25 where he met another girl who he had strong feelings for. He lived with her for about 2 yrs. That relationship ended in a falling out which broke his heart pretty bad for the second time. He called me up and wanted to live with my wife and I who I've been with for 5 years now. He wanted to come to LA and forget his relationship and life in San Diego, hang out with old friends and try to forget his heart broken past.

Keith had no idea how much the things in our circle of friends had changed for the worst. Almost everyone we new growing up had began experimenting in drugs (speed, cocaine, etc.). I started getting pretty heavy in to music, recording and engineering so that kept me away from the old crowd of friends I grew up with. On the other hand all Keith wanted to do was hangout with old friends and keep his mind off his ex and other things going on in his life. So with a broken heart and bad crowd Keith started using drugs daily I tried to steer him in another direction but it was to late, he was a grown man, and he was surrounded by it. He started living a drug addict life going to clubs by night and finding different houses to sleep and recoup by day. He would always say to me, "I'm doing good, I'm happy, everything is good, and I'm not doing a lot of drugs". I didn't believe it because it was around him by the people he hung out with everyday. Years went by, I eventually started

a family (wife and two kids). I was working all the time. Building a life for myself and for my family. My brother on the other hand was living a work free lifestyle surrounded by his addiction with what seemed like no way out. He met a girl who was even worse in it then he was. So that didn't help. Keith at this point was a full-blown addict and has been for 8+ some odd years.

I'm telling you about his past relationships because I felt that they all had a huge impact on his life and is part of the reason he turned to drugs in the first place. My brother Keith is a good soul and would give his shirt off his back if someone needed it. That was his gift and his curse because I think other people can influence him to do things he may not normally do in sober circumstances. I thank God every night that Keith is now in a place where he can be rehabilitated and kick this drug addiction once and for all.

I'm asking the court to look at this case with the fact that my brother has had a drug addiction problem for many years and to not see him as a criminal, to please see him as someone that needs help and counseling to help fight these demons. Please look towards a lesser sentence with drug rehab and counseling involved in his future. I live in San Clemente, CA now, far away from Los Angeles and all the people and places that my brother was involved with. Our whole family including my mom my dad and myself will never let my brother fall back into these circumstances again. Keith has been incarcerated for a year now and I already see a big change in his attitude and mind set for the better. I really believe this situation has saved his life and restored his self-worth and health. Thank you.

Sincerely

Kenneth Kauffman (Keith's twin brother)

Honorable Denise Cote  
Unite States District Court, Southern District of New York  
500 Pearl Street  
New York, New York 10007

My name is Violet Kauffman, Keith Kauffman's mother. I'm writing this letter to you today to vouch for my son for the fact that he is a wonderful person. He is great in everyway; his heart, mind and soul are pure. He made horrible mistakes in the past and even worse decisions for reasons I can't explain. I believe he fell into a bad crowd at a young age and just couldn't quite find his way out. Like any mother I want nothing but the very best for my son! So having to write this letter and seeing him end up in the situation he is in breaks my heart every second of every day.

I want you to know my son Keith has a serious drug problem and has had this drug problem for many years. I have to write you this letter about his drug addiction with a lump in my throat. Those words are so hard for me to say but I wouldn't be able to help him if I did not admit that to myself. He is not a bad person. He has fallen and he has fallen hard and I believe his current circumstance has made him realize what he has been doing to himself. I now see the strength in him, that he is capable of picking himself backup. I do believe that if this situation hadn't happened that I could have lost my son forever to his addiction. I do understand that he has done wrong and there is no excuse for the actions and decisions my son has made in his life. I also see that he is so remorseful for the things he has done, not only to himself, his family but, also the pain he has inflicted on the people around him. I wish I could write a letter that showed the wonderful person my son Keith really is. He is far from a criminal. I address that with the upmost truth and sincerity. He has been sick with this addiction for about 8 yrs and even at some point made efforts to quite but couldn't do it on his own.

I always tell both my kids a decision can change your life forever. The decision that he made is defiantly doing just that. I pray in hopes that he will not suffer a long punishment but embrace help through this process to rejuvenate his confidence and restore his self worth. I believe he gave up on himself a long time ago and I also believe he can and will come back from that way of thinking.

I want you to know I respect the decision you have to make no matter what it may be. I am pleading with you to please take mercy on my son.

I sincerely thank you for taking the time to read my letter.

Violet Kauffman  
Keith Kauffman's Mother  
Booking #62529-112



September 9, 2012

Honorable Denise Cote  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Dear Honorable Judge Cote,

My name is Tracy Kauffman and I have known Keith Kauffman for 26 years, since September 1986 when he was just 10 years old. He is my stepson and I love him. It breaks my heart to think of the situation he is in now. I have always known him to be a gentle person. He is courteous, polite and respectful of other people. As a teenager, he and his brother lived with us in the Florida Keys. They loved the ocean and appreciated the life beneath it. Keith was a healthy, loving child, and I was glad for the opportunity to be a parent to him and his brother Kenneth.

The last time I saw Keith was about five years ago. We were



visiting family in California. I knew the moment I saw him that he was using drugs. Keith is an identical twin. He and his brother were always close in weight, height and build. He had lost a lot of weight and he looked gaunt. He was not the happy, healthy Keith I had always known. He had become a drug addict.

Before Keith became involved with drugs, he was a valuable, contributing member of society. He worked, had friends, had girlfriends, and lived a normal life. I know Keith wants to be free from drug addiction and to be that valuable person again.

Keith said there are drug rehabilitation programs that he could participate in during the time he is incarcerated. Please consider this for him, and I am asking you to be as lenient as possible in delivering your sentence. Please have mercy. Thank you.

Sincerely,

Tracy Kauffman

To: Honorable Denise Cote  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

September 6, 2012

Dear Honorable Judge Cote,

It is with much sorrow that I am writing this letter pleading for mercy from this Honorable court for my son Keith Dean Kauffman . I know that my son has done wrong and he does not deny it. I also recognize that his behavior is due to his addiction. He has been addicted for a number of years. I know that because he lost contact with my wife and I.

It's not like him to do that because we are a close family. We are close now and think we could have lost him forever if something was not done.

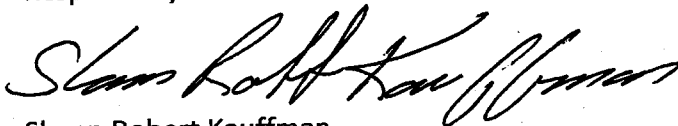
Absent his drug addiction, Keith is a good person. He is a good son. His family loves to have him back in our lives. It is with daily prayer that we work toward getting and keeping Keith's name clean from the demons of drugs.

Before his drug use Keith was always a helpful, polite and hard working person. He is a good uncle to his twin brother's children, who live in California. He would visit my wife Tracy and I in Florida on a regular basis. As a child he did well in school, he won the eighth grade science fair and would go out of his way to help others. He loves sports and would always break up fights with other players. He's a very good person when he's not using drugs.

I fully understand that Keith should be punished for his crime. I do plead with this Honorable Court that you take in account that he is a drug addict. Not that his actions should be excused; but in the sense that he needs treatment for his addiction. It is with a Father's heartfelt sincerity and love for my son that I implore this Honorable Court to consider the lesser sentence.

Thank you for your time and consideration.

Respectfully

A handwritten signature in black ink, appearing to read "Shann Robert Kauffman". The signature is fluid and cursive, with the first name "Shann" being particularly prominent.

Shann Robert Kauffman

Honorable Denise Cote  
United States District Court, Southern District of New York  
500 Pearl Street  
New York, New York 10007

I am writing this letter on behalf of Keith Kauffman. Keith is now my brother in law but we have known each other for 24 years. I met Keith and his twin brother when we were in Jr. High school when I first fell in love with Kenneth. I spent time with the two of them on and off until I we were 21 and I never left again.

I love the Kauffman family as though they are my own and have always admired the loving men that Keith and Kenneth are. I have always felt like the nice guys that they are have been both a blessing and a curse. It is definitely one of the reasons I love them but, I also think it gets them into trouble. I have watched friends and girlfriends take advantage of the kind guys that would literally give the shirt off of their back.

I watched Keith go from an amazing relationship, working hard and going to school to a broken heart. I thought for sure he was going to marry this girl, he didn't, she broke his heart. He got a great job and was transferred to San Diego. He was closer to us and we were so happy we would get to see him more often. Keith met another girl a while later and fell in love again. Once they broke up, it was the beginning of the end. Keith got laid off of his job and moved back to LA with my husband and I. He was depressed and began going out with his friends. We loved having him around but saw a change. Drugs and bad girls helped him down a path that made a relationship difficult.

I talk to Keith now and I feel like I have my brother back. He sounds good and believe it or not sounds happy again despite his situation. We worry about him but he is the one that reassures us that he is okay. All of his medical problems from drugs have subsided and we have heard such a change in his voice.

I ask that you please get Keith the help he needs for his addiction and be lenient on him during sentencing. Keith is such an amazing person and I can't wait for my kids to get to spend time with him again. We have missed him through all the years of his addiction and now the time he has been in jail.

Sincerely,

Jamie Kauffman

To: Honorable Denise Cote  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Sept. 7, 2012

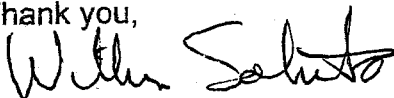
Dear Honorable Judge Cote,

Good morning your honor. I am writing on behalf of my Grandson Keith Kauffman. You never think that , (and pray) something like this will ever hit your immediate family, but here we are. I have watched Keith and his twin brother Kenneth grow and mature into productive, caring members of our society. I lost touch with Keith about five years ago and now know that he has made some extremely poor decisions. I don't understand how twin boys raised by the same parents, under the same roof, same friends, and taught the same values, could be so different as adults. I do believe that with proper treatment, and love, that Keith's downfall can be reversed.

I am 73 years old, and sincerely hope that I have the opportunity to do the normal "grandpa" things with Keith while he is still impressionable. Maybe I can make some difference. I know that Keith is facing incarceration, and deserves to be punished. I also know that he is salvageable and ask for another chance.

If there is any room for leniency, please consider that Keith has never been a lawbreaker or danger to society.

Thank you,

A handwritten signature in black ink, appearing to read "William Sobrito". The signature is fluid and cursive, with the first name "William" and last name "Sobrito" clearly distinguishable.

William Sobrito